

TWENTY-FOURTH DAY

(Monday, February 28, 1955)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Weinert
Moffett	Willis

Absent—Excused

Fuller	McDonald
Lane	Wagonseller

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"O God, our Father, 'There is a way which seemeth right unto a man, but the end thereof are the ways of death.' Touch our hearts with fear and make us miserable when we are prone to wander in forbidden paths. In the stress and strain of these days, make us keenly sensitive to our dangers; and keep us anchored to the Rock of Ages. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 24, 1955, was dispensed with and the Journal was approved.

Leaves of Absence

Senator Fuller was granted leave of absence for today and the remainder of the week on account of important business on motion of Senator Shireman.

Senator Wagonseller was granted leave of absence for today on account of illness in family on motion of Senator Moore.

Senator Lane was granted leave

of absence for today and the remainder of the week on account of illness on motion of Senator Aikin.

Senator McDonald was granted leave of absence for today on account of important business on motion of Senator Secrest.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 28, 1955.
Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 46, A bill to be entitled "An Act constituting the owner of the soil the Agent of the State for the purpose of leasing all of the minerals, other than oil and gas, that may be upon and within surveyed public free school lands and asylum lands and portions of such surveys that have heretofore been sold with all minerals reserved to the State; providing for one half (½) of all bonuses, rentals, and royalties to be paid by the lessee to the State and like amounts to the owner of the soil the amounts received by the owners of the soil to be in lieu of all damages to the soil; providing for all payments to the State to be made through the Commissioners at Austin, Texas; providing for forfeiture of the leases for failure of the lessees to comply with the law; and providing for the repeal of all conflicting laws or parts thereof; and declaring an emergency."

H. C. R. No. 32, Granting Carroll E. Reese permission to sue the State.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bills on First Reading

The following Senate bills were introduced, read first time and referred to the committees indicated:

By Senator Hardeman:

S. B. No. 255, A bill to be entitled "An Act amending Article 6674-n of Vernon's Civil Statutes of Texas, being Section 14 of Chapter 186, Acts of the 39th Legislature, 1925, and amendments, as amended by Chapter 199, Section 1, Acts of the 44th Legis-

lature, 1935, so as to provide that venue for the exercise of the right of eminent domain by the State Highway Commission shall be in the county where the land or material sought to be condemned, or a part thereof, is located; and that all such condemnation proceedings shall be in all things as provided in Title 52, Articles 3264 to 3271, inclusive, of the Revised Civil Statutes of Texas, 1925, and amendments thereto; repealing all laws in conflict; that if any part is held void, declaring intention to pass valid portions; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Hardeman:

S. B. No. 256, A bill to be entitled "An Act amending Section 1 of Article 3264 of Title 52, Revised Civil Statutes of Texas, 1925, as amended by Chapter 37, Acts of the 43rd Legislature, by providing for filing petition for condemnation with the County Clerk; and amending Section 2 of said Article 3264, providing for filing and docketing such petition as a proceeding in the County Court; and amending Section 5 of Article 3265 of the Revised Civil Statutes of Texas, 1925, providing for filing Commissioners report with the County Clerk; and amending Sections 3 and 6 of Article 3266 of the Revised Civil Statutes of Texas, 1925; in Section 3 providing pay for the commissioners; and in Section 6 providing for filing objections to the award of commissioners, and appeal to the District Court and transfer of proceedings to such Court; manner of docketing, notice to adverse party and for trial in such court; and amending Article 3267 of the Revised Civil Statutes of Texas, 1925, Title 52, providing for taxing costs; and amending Article 3268, Title 52, of the Revised Civil Statutes of Texas, 1925, by adding a new Section 2-A, providing when plaintiff has complied with provisions of said Article he shall be entitled to possession and for writs of possession and other writs to enforce right of possession; and amending Section 3 providing for final judgment in the trial court, if appeal for District Court judgment of such court shall not be suspended. And providing if part of act be held unconstitutional or void it will not affect the remainder of the Act; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Hardeman:

S. B. No. 257, A bill to be entitled "An Act amending Article 6710 of the Revised Civil Statutes of Texas, 1925, providing that if the landowner be dissatisfied with the damages allowed he may appeal to the District Court for a trial on question of damages and compensation; providing for time and manner of appeal; for transfer of the condemnation proceeding and all papers to the District Court; no further notice to be given; the manner of docketing in District Court and for trial as in other civil cases in the District Court; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Moore:

S. B. No. 258, A bill to be entitled "An Act authorizing and empowering the Board of Directors of the Texas Agricultural and Mechanical College System to execute leases and grant easements for rights-of-way for electric and pipe lines, irrigation canals and laterals, electric substations, pumping stations, loading racks, tank farms and other structures and for highways and roadways on or across any lands under the control of the Board of Directors of the Texas Agricultural and Mechanical College System; stipulating that the form of the easements shall be approved by the Attorney General; providing for the payment of a fee in certain instances; stipulating the period of time for which an easement may be granted; providing for the accounting for and use of monies, if any, received for the payment of fees; prescribing the penalty for failure to obtain a proper easement; and declaring an emergency."

To the Committee on State Affairs.

By Senators Wagonseller and Moore:

S. B. No. 259, A bill to be entitled "An Act providing for the transfer of title to certain lands to the State Highway Commission containing 20.52 acres of land, more or less, and being a part and parcel of the present campus of the North Texas State College at Denton, Texas, necessary for the relocation and improvement of U. S. Highway No. 77 from the West line of Avenue "D" to the East line of Avenue "I" in, and adjacent to, the

City of Denton, Texas; repealing Chapter 182, local and special laws of the 51st Legislature, Regular Session, 1949 (North Texas State College transfer of lands to the Texas State Highway Commission); and declaring an emergency."

To the Committee on State Affairs.

By Senator Fly:

S. B. No. 260, A bill to be entitled "An Act relating to compensation of commissioners of drainage districts; amending Article 8120, Revised Civil Statutes of Texas, 1925, as amended, so as to change the population figure in the provision relating to additional compensation and automobile expense from 200,000 to 30,000; providing that this Act shall be cumulative of other laws; and declaring an emergency."

To the Committee on State Affairs.

By Senator Latimer:

S. B. No. 261, A bill to be entitled "An Act providing for the minimum compensation of firemen and policemen in cities of 400,000 to 420,000 inhabitants; providing a penalty for violation of the provisions of this Act; repealing conflicting laws; providing for severability; and declaring an emergency."

To the Committee on State Affairs.

By Senator Latimer:

S. B. No. 262, A bill to be entitled "An Act to amend Article 57 of House Bill No. 6, Chapter 492, Acts Fifty-second Legislature, Regular Session, 1951, the Election Code of the State of Texas, to provide that the name of no candidate shall appear more than once upon the official ballot, except as a candidate for two (2) or more offices permitted by the Constitution to be held by the same person; and declaring an emergency."

To the Committee on Privileges and Elections.

By Senators Bracewell and Harde-
man:

S. B. No. 263, A bill to be entitled "An Act to amend Chapter 478 of the General and Special Laws of Texas, 45th Legislature, Regular Session, 1937, as amended by Senate Bill No. 461, page 62, Volume I, General Laws, 46th Legislature, Regular Session, 1939, Chapter 301 of the General and Special Laws of the 47th Legislature, Regular Session, 1941, Chapters 155 and 274 of the General and Special Laws of Texas, 48th Legislature, Reg-

ular Session 1943, Chapters 259 and 473 of the General and Special Laws of Texas, 52nd Legislature, Regular Session 1951, said laws pertaining to Architecture and presently known as Title 10A, Articles 249a and 249b of Vernon's Revised Civil Statutes of the State of Texas so as to amend and revise the Laws of Texas relating to Architects and the Practice of Architecture, and declaring an emergency."

To the Committee on State Affairs.

By Senator Lock:

S. B. No. 264, A bill to be entitled "An Act amending Article 2833, Revised Civil Statutes of 1925, providing that any independent school district which under existing laws selects its own treasurer may in lieu of the treasurer's annual report heretofore required to be filed, file an annual independent audit report prepared and certified by a Texas licensed or certified public accountant; providing the procedure, conditions, nature, minimum requirements of, and time for filing such a permissive audit report; providing for notice of district board's election to file audit report and release of treasurer from filing treasurer report when election is timely made; and declaring an emergency."

To the Committee on State Affairs.

By Senator Lock:

S. B. No. 265, A bill to be entitled "An Act making an appropriation to pay claims arising prior to the convening of the next session of the Legislature under deficiency grants hereafter approved by the Governor which are payable from the General Revenue Fund; and declaring an emergency."

To the Committee on Finance.

By Senator Kazen:

S. B. No. 266, A bill to be entitled "An Act amending Article 7122 of the Revised Civil Statutes of Texas (1925), as amended by the Acts of the 43rd Legislature, Regular Session, Chapter 192, so as to provide that the religious, educational or charitable organization included in the exemption under said Article may be incorporated, unincorporated or in trust form, so as to include in the exemption such of the property passing to or for the use of the United States or such organization as is irrevocably committed for use within

the State of Texas or which is transferred to a religious, educational or charitable organization for use exclusively within the State of Texas by instrument in writing prior to the payment of the tax, by providing that this Act shall apply to a decedent dying before its passage if the tax imposed by said Article 7122, as heretofore amended, has not been paid prior to the passage of the Act and to a decedent dying after the passage of the Act, repealing conflicting laws and parts of laws, and declaring an emergency."

To the Committee on Civil Jurisprudence.

Presentation of Guests

Senator Ratliff by unanimous consent presented the Civics Class of the Divide School of Nolan County and teachers M. H. Buchanan, Mrs. Craig, Mrs. Bird, and Mrs. Daniel to the Members of the Senate.

Presentation of Guests

Senator Ratliff by unanimous consent presented eight students of the Civics Class of the Blackwell School of Nolan County to the Members of the Senate.

Bills and Resolution Signed

The President Pro Tempore signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolution:

S. B. No. 120, A bill to be entitled "An Act validating certain proceedings of home rule cities amending their home rule charters, validating the election proceedings whereby officials of such city have taken office, validating certain acts of such governing board of such city; providing that the act shall not be applicable where litigation is pending at the time of the effective date of the act where litigation is ultimately determined against the validity of such amendment; providing a savings clause; and declaring an emergency."

H. B. No. 19, A bill to be entitled "An Act amending House Bill 612, Chapter 230, Page 424, Acts of 1947, 50th Legislature, codified as Article 4591d, Vernon's Revised Civil Statutes, so as to provide that any bank or trust company doing business in this State may, at its option, close for general banking purposes on Saturday or on any other weekday and

that such day shall be deemed to be a legal holiday for all purposes unless such bank elects to perform limited banking services on such day; etc.; and declaring an emergency."

H. C. R. No. 30, In memory of Crawford Benton Wardlow.

House Concurrent Resolution 31 on Second Reading

Senator Moffett asked unanimous consent to suspend the regular order of business and take up H. C. R. No. 31 for consideration at this time.

There was no objection offered.

The President Pro Tempore laid before the Senate on its second reading the following resolution:

H. C. R. No. 31, Instructing the Enrolling Clerk to make certain corrections in House Bill No. 104.

The resolution was read the second time and adopted by the following vote:

Yeas—26

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Secret
Latimer	Shireman
Lock	Strauss
Martin	Weinert
Moffett	Willis
Moore	

Absent

Hazlewood

Absent—Excused

Fuller	McDonald
Lane	Wagonseller

Senate Resolution 85

Senator Owen offered the following resolution:

Whereas, The city of Pecos, Texas, is now a thriving, and progressive, modern city, located on U. S. Highway No. 80, an interstate highway, carrying about 60% of the nation's east-west traffic and is convenient to visit by most tourists, and

Whereas, Pecos is rich in romance and legends, having been known in

its infancy as the "metropolis of the desert cow country," having been the strategic crossroads location for many of the old cattle and wagon trails, such as the Butterfield Route, Chisholm Trail, and Loving-Goodnight Trail, and having been established in 1881 as a stop on the Texas and Pacific Railroad, and

Whereas, during the frontier days, cowboys rode from miles around to Pecos on pay day for supplies and entertainment, and

Whereas, In 1883, the cowboys from a number of large outfits had been engaged for some time in an argument as to which outfit had the best cowboys. Verbal forensics produced no decisions, so it was decided to outline a number of contests to determine who were the best cowboys, and

Whereas, On the prearranged date of July 4, 1883, the cowboys all met back in Pecos on an open flat adjoining the courthouse and on that day the world's first rodeo was held. It was a public cowboy contest wherein prizes were awarded to the winner of bronco riding and steer roping, but no admission fee was charged the spectators, and

Whereas, Plans are being formulated to erect a million-dollar structure to be known as "The Cowboy Hall of Fame," and

Whereas, Mr. Ray Schnell of Dickinson, North Dakota, is the Chairman of the Location Committee for "The Cowboy Hall of Fame," and

Whereas, the Location Committee for "The Cowboy Hall of Fame" will meet March 1, 1955, at the Brown Palace Hotel in Denver, Colorado, to select the most eligible five towns, and subsequently the Location Committee and all the trustees will subsequently meet in Denver, Colorado, on March 15, 1955, to select a final location for "The Cowboy Hall of Fame" from the previously selected five sites; now, therefore, be it

Resolved, by the Senate of the State of Texas, that the Senate go on record as requesting and urging that "The Cowboy Hall of Fame" be located in Pecos, Texas, the home of the world's first rodeo, and be it further

Resolved, That a copy of this resolution be forwarded under the seal of the Senate of the State of Texas, to Mr. Ray Schnell, Chairman of the Location Committee for "The Cowboy Hall of Fame," at the Brown Palace Hotel, Denver, Colorado, the May-

or, City Council and Rodeo Committee of Pecos, Texas.

The resolution was read.

On motion of Senator Owen and by unanimous consent the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 21

Senator Owen offered the following resolution:

S. C. R. No. 21, Granting El Paso Natural Gas Company permission to bring suit against the State of Texas.

Whereas, El Paso Natural Gas Company is a Delaware corporation with a permit to do business in the State of Texas, and has been doing business continuously in Texas since 1928; and

Whereas, The said El Paso Natural Gas Company paid to the State of Texas gas gathering taxes beginning in the month of September, 1951, and continuing through December of 1953, said taxes being levied by Section XXIII of House Bill 285, Chapter 402, Page 740, Acts of the 52nd Legislature of the State of Texas which became effective September 1, 1951, and which Act has been declared unconstitutional by the Supreme Court of the United States in the cases styled Michigan-Wisconsin Pipeline Company vs. Robert S. Calvert, et al. and Panhandle Eastern Pipeline Company vs. Robert S. Calvert, et al., 347 U. S. 157, 74 S. C. 396; and

Whereas, The United States Supreme Court has held that taxes paid under this Act were illegally and unlawfully extracted and that said Act was void and of no force and effect; and

Whereas, There is no provision of law whereby this money unlawfully extracted can be returned or recovered except through a direct appropriation by the Legislature; and

Whereas, There is no provision in the laws of the State of Texas to accurately and definitely determine what amount of taxes, if any, should be returned; and

Whereas, In order to definitely and accurately determine the same, it is the policy of this Legislature to let a Court of competent jurisdiction pass upon the same; and

Whereas, It is the policy of the Legislature of the State of Texas to give and grant to persons and corporations the right to litigate any valid

claim against the State of Texas in a court of competent jurisdiction; now therefore, be it

Resolved by the House of Representatives with the Senate concurring, That El Paso Natural Gas Company be, and it is hereby, granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, to recover judgment against the State of Texas for all amounts of money heretofore illegally extracted and paid by El Paso Natural Gas Company under said unconstitutional law and service of citation for the purposes herein granted may be served upon the State of Texas by serving the Attorney General, the State Treasurer and the Comptroller of Public Accounts; and be it further

Resolved, That such suit may be filed within two years from the effective date of this resolution; and be it further

Resolved, That it is understood that the purpose of this resolution is solely to grant permission to bring suit against the State of Texas and no admission of the liability on the part of the State or of any fact is made by this resolution.

The resolution was read and was referred to the Committee on Civil Jurisprudence.

Senate Bill No. 203 on Second Reading

Senator Aikin moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 203 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Weinert
Moffett	Willis

Absent—Excused

Fuller	McDonald
Lane	Wagonseller

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 203, A bill to be entitled "An Act transferring administrative responsibility for the Judicial Retirement System of Texas to the State Board of Trustees for the Employees Retirement System; making a \$2 per year assessment on members of the Judicial Retirement System to meet administrative costs; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill No. 203 on Third Reading

Senator Aikin moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 203 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Weinert
Moffett	Willis

Absent—Excused

Fuller	McDonald
Lane	Wagonseller

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Resolution 86

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Messrs. M. W. Phemister, Douglas Myers, R. L. Edwards, Clyde Mayfield and Wilford Dutton, all of Weinert, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senate Resolution 87

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Messrs. J. F. Kelley, Mayor; T. R. McCassling, City Manager; H. D. Smith, R. L. Eidson and R. P. Reagan, City Commissioners, all of Burkburnett, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senate Bill 245 on Second Reading

Senator Hardeman moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 245 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Weinert
Moffett	Willis

Absent—Excused

Fuller	McDonald
Lane	Wagonseller

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 245, A bill to be entitled "An Act to regulate the display of the Texas flag so as to forbid the use of any flag other than that of the United States in a position superior to that of the Texas flag at any place within the boundaries of the State of Texas; and declaring an emergency."

The bill was read the second time.

Senator Hardeman offered the following committee amendment to the bill:

Amend S. B. No. 245 by striking out the period at the end of Section 1 and adding the following:

"; provided, however, that the Texas flag alone shall be displayed on the State capitol, other state owned buildings and state parks."

The committee amendment was adopted.

On motion of Senator Hardeman, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 245 on Third Reading

Senator Hardeman moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 245 be placed on its third reading and final passage.

The motion prevailed by the following vote.

Yeas—27

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Weinert
Moffett	Willis

Absent—Excused

Fuller	McDonald
Lane	Wagonseller

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 177 on Second Reading

Senator Kelley moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 177 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Willis
Moffett	

Absent

Weinert

Absent—Excused

Fuller	McDonald
Lane	Wagonseller

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 177, A bill to be entitled "An Act to amend Section 7 and Section 11 of House Bill No. 91, Chapter 59, Page 167, Acts of the Fortieth Legislature, First Called Session, 1927, codified as Article 1970-305, so as to provide that the practice in the County Court at Law of Cameron County and the Appeals and Writs of Error therefrom shall conform to laws relating to county courts; fixing the terms of the County Court at Law of Cameron County, and providing where said court shall be held; amending Section 11 of Article 1970-305, Revised Civil Statutes of 1925, so as to provide procedure for the appointment of a Judge of the County Court at Law of Cameron County; providing that the County Judge of Cameron County shall sit to hear all matters of such disqualification, pro-

viding a method for the election of a special judge in such cases; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 177 on Third Reading

Senator Kelley moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 177 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Hardeman	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Latimer	Secrest
Lock	Shireman
Martin	Strauss
Moffett	Willis

Absent

Hazlewood Weinert

Absent—Excused

Fuller	McDonald
Lane	Wagonseller

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The Bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Corbin	Phillips
Fly	Ratliff
Hardeman	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Latimer	Secrest
Lock	Shireman
Martin	Strauss
Moffett	Willis

Absent

Colson Weinert

Absent—Excused

Fuller	McDonald
Lane	Wagonseller

Senate Bill 250 on Second Reading

Senator Willis moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 250 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Corbin	Phillips
Fly	Ratliff
Hardeman	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Latimer	Secrest
Lock	Shireman
Martin	Strauss
Moffett	Willis

Absent

Colson	Weinert
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Absent—Excused

Fuller	McDonald
Lane	Wagonseller

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 250, A bill to be entitled "An Act designating the 11th day of November as Veterans Day; and declaring an emergency."

The bill was read the second time.

Senator Willis offered the following committee amendment to the bill:

Amend Senate Bill No. 250 by deleting the words "and the dead" from line 4 of section 1 of said bill.

The committee amendment was adopted.

On motion of Senator Willis, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 250 on Third Reading

Senator Willis moved that Senate

Rule 32 and constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 250 be placed on its third reading and final passage.

The motion prevailed by the following vote.

Yeas—27

Ashley	Moore
Aikin	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Fuller	Weinert
Lane	Willis

Absent—Excused

Martin	McDonald
Moffett	Wagonseller

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 187 on Second Reading

Senator Lock moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 187 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Weinert
Moffett	Willis

Absent—Excused

Fuller	McDonald
Lane	Wagonseller

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 187, A bill to be entitled "An Act to exempt from existing statutes regulating the length of motor vehicles which may be operated in this state, such vehicles or combinations of vehicles used exclusively to transport poles, piling or unrefined timber from the point of origin of such timber to a wood processing mill not more than seventy-five (75) miles distant; imposing conditions governing such vehicles; and declaring an emergency."

The bill was read the second time.

Senator Lock offered the following committee amendment to the bill:

Amend Senate Bill 187 by striking out in Section 1 and the caption the words and figures "seventy-five (75) miles" and by inserting in lieu thereof "fifty (50) miles."

The committee amendment was adopted.

Senator Lock offered the following committee amendment to the bill:

Amend Senate Bill 187 by inserting between Sections 1 and 2 a new section reading as follows:

"Section 2. Such vehicles may be operated only between the hours of sunrise and sunset, as defined by law, and at a rate of speed not greater than thirty-five (35) miles per hour." and by renumbering the succeeding sections to conform.

The committee amendment was adopted.

On motion of Senator Lock and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 187 on Third Reading

Senator Lock moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 187 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Willis
Moffett	

Absent

Weinert

Absent—Excused

Fuller	McDonald
Lane	Wagonseller

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Latimer	Secrest
Lock	Shireman
Martin	Strauss
Moffett	Willis

Nays—1

Hardeman

Absent

Weinert

Absent—Excused

Fuller	McDonald
Lane	Wagonseller

Motion to Place Senate Bill 47 on Second Reading

Senator Parkhouse moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 47 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving four-fifths vote of the Members of the Senate):

Yeas—19

Bracewell	Ratliff
Fly	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lock	Secrest
Martin	Shireman
Moffett	Strauss
Owen	Weinert
Parkhouse	Willis

Nays—8

Aikin	Hardeman
Ashley	Latimer
Colson	Moore
Corbin	Phillips

Absent—Excused

Fuller	McDonald
Lane	Wagonseller

(Senator Aikin in the Chair.)

**Motion to Place
Senate Bill 125 on Second Reading**

Senator Shireman moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 125 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving four-fifths vote of the Members of the Senate):

Yeas—17

Aikin	Moffett
Bracewell	Owen
Colson	Parkhouse
Fly	Phillips
Hardeman	Rogers of Travis
Hazlewood	Secrest
Kelley	Shireman
Latimer	Willis
Lock	

Nays—9

Ashley	Roberts
Corbin	Rogers
Kazen	of Childress
Martin	Strauss
Moore	Weinert

Absent

Ratliff

Absent—Excused

Fuller	McDonald
Lane	Wagonseller

Senate Bill 149 on Second Reading

Senator Martin moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 149 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Latimer	Strauss
Martin	Weinert
Moffett	Willis
Moore	

Absent

Lock

Absent—Excused

Fuller	McDonald
Lane	Wagonseller

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 149, A bill to be entitled "An Act comprehensively making current all prior laws as to the regulation of the sale of securities, regulating dealers, agents and salesmen who sell same and entitled 'The Securities Act'; etc.; and declaring an emergency."

The bill was read the second time.

Senator Bracewell offered the following amendment to the bill:

Amend S. B. No. 149, Section 4, by adding a new subsection to be known as subsection (j) to read as follows:

"(j) Notes, bonds or other evidence of indebtedness of religious, charitable or benevolent corporations"

The amendment was adopted.

On motion of Senator Martin and

by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 149 on Third Reading

Senator Martin moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. 149 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Latimer	Strauss
Martin	Weinert
Moffett	Willis
Moore	

Absent

Lock

Absent—Excused

Fuller	McDonald
Lane	Wagonseller

The presiding officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 199 on Second Reading

Senator Owen moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 199 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Ashley
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Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Moffett	Strauss
Moore	Weinert
Owen	Willis

Nays—1

Martin

Absent

Lock

Absent—Excused

Fuller	McDonald
Lane	Wagonseller

The presiding officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 199, A bill to be entitled "An Act conferring powers and authority contained in Section 3a, of Chapter 25, Acts Regular Session of the 39th Legislature, as amended, upon El Paso County Water Control and Improvement District No. 4; making a finding of benefits and providing that no election on confirmation of the organization of the District and no exclusion hearing shall be held in said District; providing for an election for the authorization of bonds of the District; conferring all the rights, powers, privileges and duties of the General Laws on said District; validating, ratifying and confirming all acts and proceedings heretofore had and taken in connection with the creation of said District; and declaring an emergency."

The bill was read second time.

Question: Shall S. B. No. 199 be passed to engrossment?

Adjournment

On motion of Senator Willis, the Senate, at 12:09 o'clock p. m., adjourned until 10:30 o'clock a. m. tomorrow.

In Memory of
William S. Henson

Senator Parkhouse offered the following resolution:

(Senate Resolution 84)

Whereas, Almighty God did on the ninth day of December, 1954, call from his earthly labors William S. Henson in the sixty-second year of his life, the people of Dallas and Dallas County have suffered a great loss; and

Whereas, William S. Henson was born in Liberty, Kentucky on September 3, 1892, and at the age of five moved with his family to Texas. In 1916 he became the music critic for the Dallas Morning News, and in 1917 answered his country's call and enlisted in the 133rd Field Artillery of the 36th Division in World War I. He spent his business career in the printing and advertising field in Dallas. He served as a director in the Dallas Community Chest, and was president of that organization in 1951, and the First National Bank of Dallas, the Dallas Historical Society, the Dallas Tuberculosis Association, the American Social Hygiene Association, and the National Association of Manufacturers. He was past president of the Dallas Advertising League, the Sigma Delta Chi fraternity, and a member of the Dallas Better Business Bureau, Dallas Athletic Club, and the Dallas Chamber of Commerce. He served as vice-chairman of the North Texas Committee on Arthritis and Rheumatism Foundation. He was Chairman of the Board of Trustees of St. Mark's School of Texas. He was a member of the Church of Incarnation (Episcopal); and

Whereas, "Bill" Henson was a leader and a highly valued worker for many worthy projects and an active force for good government for his City, State and Nation; and

Whereas, It is the desire of the Senate of Texas to recognize and pay tribute to the memory of this outstanding and worthy Texan, and to express sympathy to members of his bereaved family; now, therefore, be it

Resolved by the Senate of Texas, That the loss of this esteemed citizen and civic leader is a loss to the City of Dallas and to the entire State, and that his passing be fittingly recognized by his fellow Texans, and that a page in today's Journal be devoted to his memory; and be it further

Resolved, That when the Senate adjourns today, it do so in respect to the memory of William S. Hanson.

The resolution was read and was adopted by a rising vote of the Senate.